(1)

C.S.(10)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

(CHHATTISGARH)

WRIT PETITION NO. 1750/2004

PETITIONER : Netaji Subhash Chandra Bose Computer Gramin University, Ring Road Raipur, District Raipur, Chhattisgarh Through: Its Chairman: Shri Upendra Singh Tomar, S/o. Shri U.B.S. Tomar, aged about 36 years, University established and notified under the Chhattisgarh Nizi Kshetra Vishwa Vidyalaya (Sthhapna Avam Viniyman) Adhiniyam 2002,

P. R. No. 17-3-04
Presented by Shri R.S. Mashram
dated 26-6-04

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, Through: Its Secretary, Department of Higher Education, D.K.S. Bhawan, Mantralaya, Raipur, Chhattisgarh

2. Regulatory Commission, Constituted under the Chhattisgarh Nizi Kshetra Vishwavidyalaya (Sthhapna Aur Viniyaman) Adhiniyam 2002 (No.2 of 2002), C/o. Secretary, Department of Higher Education Mantralaya, D.K.S. Bhawan, Mantralaya, Raipur, Chhattisgarh.

3. University Grants Commission, Through: Its Chairman, Bahadur Shah Zafar Marg, New Delhi

4. All India Council of Technical Education, Indira Gandhi Sports Complex, I.P. Estate, New Delhi 110 002

5. Pharmacy Council of India, Combined Councils Building, Kotla Road, Aiwan-E-Galib Marg, P.O. Box No.7020, New Delhi, 110 002

Received
Received
25/6/04

जनपथ आयुक्त
एस.के. अग्रवाल
25/6/04
बिलासपुर तहसील छत्त

(2) (3)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

250

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 1750/05 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	DIVISION BENCH: **HON'BLE SHRI A.K. PATNAIK, CJ** **& HON'BLE SHRI SUNIL KUAMR SINHA, J.** **25.06.2005:** Heard Mr. Ranbir Singh, learned counsel for the petitioner, Mr. P.S. Koshy, learned Dy. Advocate General for the State of Chhattisgarh and Mr. Vinay Harit, Sr. Advocate with Mr. A. Swamkar, learned counsel for respondents 3 & 5. In this writ petition the petitioner has challenged the constitutional validity and vires of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2004 by which the provisions of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 are sought to be amended. By a judgment of the Supreme Court dated 11.02.2005 delivered in Writ Petition (Civil) No.19 of 2004 (Professor Yashpal & Others vs. State of Chhattisgarh & Others), the Supreme Court has declared the provisions of Sections 5 & 6 of the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 as ultra vires the Constitution and has also quashed the notifications issued by the State Government in the Gazette in the purported exercise of the power under Section 5 of the aforesaid Act notifying the universities and also held that the universities shall cease to exist. In view of the said judgment of the Supreme Court dated 11.02.2005, this writ petition does not survive and accordingly the same is dismissed. **Sd/-** **Chief Justice**	**Sd/-** **Sunil Kumar Sinha** **Judge**

Subbu

13/7/05